

REMARKS

This Amendment is submitted in reply to the non-final Office Action mailed on June 2, 2008. A petition for a one month extension of time is submitted herewith. The Director is authorized to charge \$120.00 for the one month extension of time and any additional fees which may be required, or to credit any overpayment to Deposit Account No. 02-1818. If such a withdrawal is made, please indicate the Attorney Docket No. 112701-601 on the account statement.

Claims 1-26 are pending in this application. In the Office Action, Claims 1-26 are rejected under 35 U.S.C. §103. In response, Claims 1, 5-6 and 26 have been amended. Claims 5-6 have been amended for purposes of clarification. The amendment does not add new matter. In view of the amendment and/or for the reasons set forth below, Applicants respectfully submit that the rejections are improper and should be withdrawn.

In the Office Action, Claims 1-10 and 12-26 are rejected under 35 U.S.C. §103(a) as being unpatentable over Japanese Publication No. JP 2002019852 to Shirahama ("*Shirahama*") in view of U.S. Patent No. 2,129,119 to Davis ("*Davis*"). Claim 11 is rejected under 35 U.S.C. §103(a) as being unpatentable over *Shirahama* in view of *Davis* and further in view of U.S. Patent No. 3,371,812 to Foster ("*Foster*"). Applicants respectfully traverse this rejection for at least the reasons set forth below.

Currently amended independent Claim 1 recites, in part, a pack comprising a body, the body being tapered between a collar and a bottom section by a plurality of pleats extending along the length of the body from the collar to the bottom section. Similarly, currently amended independent Claim 26 recites, in part, a pack for free-flowing or pasty products comprising a body, the body comprising a plurality of pleats extending along the length of the body from a collar to a bottom section. The amendments do not add new matter. The amendments are supported in the specification at, for example, page 7, lines 11-25.

The plurality of pleats extending along the length of the body allow the body to widen in order to accommodate the shape of a plunger, which helps to empty the body. See, specification, page 6, lines 20-26. As the body is widened, and the pleats expand slightly in a horizontal direction, the bottom section of the body (*e.g.*, "section 9" as recited in the specification) is pulled in the direction of the plunger until the bottom section is at about 90° to the rest of the body when the plunger has been pressed in completely. This expansion of the body and the

movement of the bottom section ensures that none of the product is left in the pack after the pack is emptied. See, specification, page 7, line 26-page 8, line 2. In contrast, Applicants respectfully submit that the cited references fails to disclose or suggest every element of independent Claims 1 and 26.

Shirahama and *Davis* fail to disclose or suggest a body comprising a collar and a bottom section, the body having a plurality of pleats extending along the length of the body from a collar to a bottom section as required, in part, by Claims 1 and 26. In fact, *Shirahama* fails to even disclose or suggest any pleated body. Instead, *Shirahama* is drawn to a plastic double container including an outer vessel made of a sheetlike plastic and an inner vessel made of a plastic film joined with the outer vessel. See, *Shirahama*, Abstract, lines 10-13. The container of *Shirahama* contains no pleats in contrast to Claims 1 and 26.

Similarly, while *Davis* discloses “V” shaped pleats, *Davis* fails to disclose or suggest a body comprising a collar and a bottom section, the body having a plurality of pleats extending along the length of the body from a collar to a bottom section as required, in part, by Claims 1 and 26. Instead, the “V” shaped pleats of *Davis* extend circumferentially around the container of *Davis* so as to restrict the expansion of the container in a horizontal direction and permit the container to be deformed vertically, as opposed to horizontally as is allowed by the pack of the instant disclosure. See, *Davis*, column 1, lines 6-16; Figures 1, 3, 4, 7, 10 and 13-15. For at least these reasons, *Shirahama* and *Davis* fails to disclose or even recognize the advantages of the presently claimed subject matter as set forth above.

Accordingly, Applicants respectfully request that the obviousness rejection with respect to Claims 1-10 and 12-26 be reconsidered and the rejection be withdrawn.

In the Office Action, Claim 11 is rejected under 35 U.S.C. §103(a) as being unpatentable over *Shirahama* in view of *Davis* and further in view of *Foster*. Applicants respectfully submit that the patentability of independent Claim 1 renders moot the obviousness rejection of Claim 11 that depends from independent Claim 1. In this regard, the cited art fails to disclose or suggest the elements of Claim 11 in combination with the novel elements of Claim 1.

Accordingly, Applicants respectfully request that the obviousness rejections with respect to Claim 11 be reconsidered and the rejection be withdrawn.

For the foregoing reasons, Applicants respectfully request reconsideration of the above-identified patent application and earnestly solicit an early allowance of same. In the event there remains any impediment to allowance of the claims which could be clarified in a telephonic interview, the Examiner is respectfully requested to initiate such an interview with the undersigned.

Respectfully submitted,

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Dated: September 16, 2008